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**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:10-cv-00019-RCL**

PUBLIC EMPLOYEES FOR ENVIRONMENTAL  
RESPONSIBILITY v. U.S. INTERNATIONAL BOUNDARY  
AND WATER COMMISSION  
Assigned to: Chief Judge Royce C. Lamberth  
Cause: 05:552 Freedom of Information Act

Date Filed: 01/06/2010  
Date Terminated: 02/08/2012  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**PUBLIC EMPLOYEES FOR  
ENVIRONMENTAL  
RESPONSIBILITY**

represented by **Paula Naomi Dinerstein**  
PUBLIC EMPLOYEES FOR  
ENVIRONMENTAL RESPONSIBILITY  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**U.S. INTERNATIONAL BOUNDARY  
AND WATER COMMISSION**

represented by **Fred Elmore Haynes**  
U.S. ATTORNEY'S OFFICE  
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*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
01/06/2010	<a href="#"><u>1</u></a>	COMPLAINT against U.S. INTERNATIONAL BOUNDARY AND WATER COMMISSION ( Filing fee \$ 350, receipt number 4616026590) filed by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Attachments: # <a href="#"><u>1</u></a> Civil Cover Sheet)(jf, ) (Entered: 01/07/2010)
01/06/2010		SUMMONS (3) Issued as to U.S. INTERNATIONAL BOUNDARY AND WATER COMMISSION, U.S. Attorney and U.S. Attorney General (jf, ) (Entered: 01/07/2010)
02/09/2010	<a href="#"><u>2</u></a>	MOTION for Summary Judgment by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY (Attachments: # <a href="#"><u>1</u></a> Statement of Facts Statement of Material Facts Not in Dispute, # <a href="#"><u>2</u></a> Memorandum in Support Memorandum of Points and Authorities, # <a href="#"><u>3</u></a> Text of Proposed Order Proposed Order) (Dinerstein, Paula) (Entered: 02/09/2010)
02/18/2010	<a href="#"><u>3</u></a>	MOTION for Extension of Time to File Answer re <a href="#"><u>1</u></a> Complaint by U.S. INTERNATIONAL BOUNDARY AND WATER COMMISSION (Haynes, Fred) (Entered: 02/18/2010)
02/19/2010		MINUTE ORDER granting over objection <a href="#"><u>3</u></a> defendant's motion for extension of time. Defendant shall answer or otherwise respond to plaintiff's complaint by no later than March 12, 2010; future requests for extension of time will be viewed by the Court with disfavor. Defendant's opposition to plaintiff's motion for summary judgment shall also be filed by no later than March 12, 2010. In the event that defendant chooses to file a cross-motion, it shall be combined with the opposition and filed on the same date. Plaintiff's reply and, if applicable, combined opposition shall be filed no later than April 1, 2010. Defendant's reply, if applicable, shall be filed no later than April 15, 2010. Signed by Judge Emmet G. Sullivan on February 19, 2010. (lcegs1) (Entered: 02/19/2010)
02/19/2010		Set/Reset Deadlines: Answer due by 3/12/2010, Cross Motions and response due by 3/12/2010. Response to Cross Motions and reply due by 4/1/2010. Reply to Cross Motions due by 4/15/2010. (clv, ) (Entered: 02/19/2010)
03/12/2010	<a href="#"><u>4</u></a>	Second MOTION for Extension of Time to File Answer re <a href="#"><u>2</u></a> MOTION for Summary Judgment, <a href="#"><u>1</u></a> Complaint by U.S. INTERNATIONAL BOUNDARY AND WATER COMMISSION (Haynes, Fred) (Entered: 03/12/2010)

03/15/2010		MINUTE ORDER granting in part <a href="#">4</a> defendant's unopposed second motion for extension of time. While the Court is sympathetic to defense counsel's "heavy litigation commitments in other cases," defense counsel is cautioned that deadlines ordered by this Court are firm and will not be altered in the future absent an exceptional circumstance. Defense counsel is further cautioned against filing a motion for extension of time on the date that a pleading is due; such motions will hereinafter be summarily denied by the Court. The briefing schedule previously entered by the Court is hereby modified as follows: defendant shall answer or otherwise respond to plaintiff's complaint by no later than 12:00 p.m. on March 19, 2010. Defendant's opposition to plaintiff's motion for summary judgment shall also be filed by no later than 12:00 p.m. on March 19, 2010. In the event that defendant chooses to file a cross-motion, it shall be combined with the opposition and filed on the same date. Plaintiff's reply and, if applicable, combined opposition shall be filed no later than April 12, 2010. Defendant's reply, if applicable, shall be filed no later than April 26, 2010. In addition, if, at any point in time, the parties desire to have a mediator from the District Courts mediation program appointed to assist with settlement discussions, the parties shall electronically file a motion captioned "Joint Motion for Appointment of a Mediator." Signed by Judge Emmet G. Sullivan on March 15, 2010. (lcegs1) (Entered: 03/15/2010)
03/16/2010		Set/Reset Deadlines: Answer due by 12:00 p.m. on 3/19/2010, Response and Cross Motions due by 12:00 p.m. on 3/19/2010. Reply and Response to Cross Motions due by 4/12/2010. Reply to Cross Motions due by 4/26/2010. (clv, ) (Entered: 03/16/2010)
03/19/2010	<a href="#">5</a>	ANSWER to <a href="#">1</a> Complaint by U.S. INTERNATIONAL BOUNDARY AND WATER COMMISSION.(Haynes, Fred) (Entered: 03/19/2010)
03/19/2010	<a href="#">6</a>	MOTION for Summary Judgment by U.S. INTERNATIONAL BOUNDARY AND WATER COMMISSION (Attachments: # <a href="#">1</a> Exhibit A -- Declaration of Eric Meza, # <a href="#">2</a> Exhibit B -- Declaration of Gary A. Nails)(Haynes, Fred) (Entered: 03/19/2010)
03/19/2010	<a href="#">7</a>	Memorandum in opposition to re <a href="#">2</a> MOTION for Summary Judgment filed by U.S. INTERNATIONAL BOUNDARY AND WATER COMMISSION. (Haynes, Fred) (Entered: 03/19/2010)
04/01/2010	<a href="#">8</a>	Memorandum in opposition to re <a href="#">6</a> MOTION for Summary Judgment filed by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Dinerstein, Paula) (Entered: 04/01/2010)
04/26/2010	<a href="#">9</a>	REPLY to opposition to motion re <a href="#">6</a> MOTION for Summary Judgment filed by U.S. INTERNATIONAL BOUNDARY AND WATER COMMISSION. (Haynes, Fred) (Entered: 04/26/2010)

12/08/2010	<a href="#"><u>1</u></a> <a href="#"><u>0</u></a>	ORDER denying <a href="#"><u>2</u></a> <a href="#"><u>6</u></a> the parties' motions for summary judgment without prejudice and directing defendant to deliver to the chambers of the Honorable Emmet G. Sullivan a copy of the disputed retainer agreement for in camera inspection by no later than December 16, 2010. Signed by Judge Emmet G. Sullivan on December 8, 2010. (lcegs1) (Entered: 12/08/2010)
12/09/2010		Set/Reset Deadlines: copy of the disputed retainer agreement shall be delivered to chambers by 12/16/2010. (clv, ) (Entered: 12/09/2010)
12/16/2010	<a href="#"><u>1</u></a> <a href="#"><u>1</u></a>	NOTICE of In Camera Filing of Unredacted Retainer Agreement by U.S. INTERNATIONAL BOUNDARY AND WATER COMMISSION (Haynes, Fred) (Entered: 12/16/2010)
01/04/2011		MINUTE ORDER. On December 8, 2010, this Court entered an Order directing defendant to deliver a copy of a disputed retainer agreement for in camera inspection, so that the Court could determine whether Part C of the retainer agreement was properly withheld under the attorney-client privilege. See Order at 3. Having reviewed the redacted material, the Court concludes that Part C of the retainer agreement was properly withheld. Signed by Judge Emmet G. Sullivan on January 4, 2011. (lcegs1) (Entered: 01/04/2011)
05/25/2011		MINUTE ORDER directing the parties to file a joint status report, including a recommendation for further proceedings, by no later than June 15, 2011. In the event that counsel are unable to agree on a joint recommendation, each party shall file an individual recommendation by that time. Signed by Judge Emmet G. Sullivan on May 25, 2011. (lcegs1) (Entered: 05/25/2011)
05/26/2011		Set/Reset Deadlines: Status Report due by 6/15/2011 (clv, ) (Entered: 05/26/2011)
06/08/2011	<a href="#"><u>1</u></a> <a href="#"><u>2</u></a>	STATUS REPORT <i>Joint</i> by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY, U.S. INTERNATIONAL BOUNDARY AND WATER COMMISSION. (Dinerstein, Paula) (Entered: 06/08/2011)
06/10/2011		MINUTE ORDER. Upon consideration of the parties' joint status report, the Court hereby enters the following briefing schedule: defendant's motion for summary judgment shall be filed by no later than June 23, 2011. Plaintiff's opposition shall be filed no later than July 25, 2011. If plaintiff chooses to file a cross-motion, it shall be combined with the opposition and filed on the same date. Defendant's reply and, if applicable, combined opposition shall be filed no later than August 8, 2011. Plaintiff's reply, if applicable, shall be filed no later than August 22, 2011. Signed by Judge Emmet G. Sullivan on June 10, 2011. (lcegs1) (Entered: 06/10/2011)
06/13/2011		Set/Reset Deadlines: Summary Judgment Motions due by 6/23/11; Response and Cross Motions due by 7/25/2011; reply and Response to Cross Motions due by 8/8/2011 Reply to Cross Motions due by 8/22/2011.. (clv, ) (Entered: 06/13/2011)

06/23/2011	<a href="#"><u>1</u></a> <a href="#"><u>3</u></a>	Consent MOTION for Extension of Time to <i>File Defendant's Renewed Motion for Summary Judgment</i> by U.S. INTERNATIONAL BOUNDARY AND WATER COMMISSION (Haynes, Fred) (Entered: 06/23/2011)
06/28/2011		MINUTE ORDER. Upon consideration of <a href="#"><u>13</u></a> the parties' consent motion for extension of time, the Court hereby enters the following modified briefing schedule: defendant's motion for summary judgment shall be filed by no later than June 30, 2011. Plaintiff's opposition shall be filed no later than August 2, 2011. If plaintiff chooses to file a cross-motion, it shall be combined with the opposition and filed on the same date. Defendant's reply and, if applicable, combined opposition shall be filed no later than August 15, 2011. Plaintiff's reply, if applicable, shall be filed no later than August 29, 2011. Signed by Judge Emmet G. Sullivan on June 28, 2011. (lcegs1) (Entered: 06/28/2011)
06/28/2011		Set/Reset Deadlines: Defendant's motion for summary judgment due by 6/30/11; response and Cross Motions due by 8/2/2011. Reply and Response to Cross Motions due by 8/15/2011. Reply to Cross Motions due by 8/29/2011. (clv, ) (Entered: 06/28/2011)
06/30/2011	<a href="#"><u>1</u></a> <a href="#"><u>4</u></a>	Consent MOTION for Extension of Time to <i>File Defendant's Renewed Motion for Summary Judgment (one day extension of time)</i> by U.S. INTERNATIONAL BOUNDARY AND WATER COMMISSION (Haynes, Fred) (Entered: 06/30/2011)
07/01/2011		MINUTE ORDER granting <a href="#"><u>14</u></a> defendant's consent motion for extension of time. Defendant shall file its renewed motion for summary judgment by no later than July 1, 2011. Signed by Judge Emmet G. Sullivan on July 1, 2011. (lcegs1) (Entered: 07/01/2011)
07/01/2011	<a href="#"><u>1</u></a> <a href="#"><u>5</u></a>	Second MOTION for Summary Judgment by U.S. INTERNATIONAL BOUNDARY AND WATER COMMISSION (Attachments: # <a href="#"><u>1</u></a> Exhibit A -- Second Meza Declaration)(Haynes, Fred) (Entered: 07/01/2011)
07/05/2011		Set/Reset Deadlines: Summary Judgment motions due by 7/1/2011. (clv, ) (Entered: 07/05/2011)
07/29/2011	<a href="#"><u>1</u></a> <a href="#"><u>6</u></a>	Second MOTION for Summary Judgment by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY (Attachments: # <a href="#"><u>1</u></a> Declaration, # <a href="#"><u>2</u></a> Text of Proposed Order)(Dinerstein, Paula) (Entered: 07/29/2011)
07/29/2011	<a href="#"><u>1</u></a> <a href="#"><u>7</u></a>	Memorandum in opposition to re <a href="#"><u>15</u></a> Second MOTION for Summary Judgment by <i>Defendant</i> filed by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Attachments: # <a href="#"><u>1</u></a> Declaration, # <a href="#"><u>2</u></a> Text of Proposed Order) (Dinerstein, Paula) (Entered: 07/29/2011)

08/15/2011	<a href="#"><u>18</u></a>	Consent MOTION for Extension of Time to File <i>Defendant's Opposition to Plaintiff's Renewed Motion for Summary Judgment and to File a Reply Memorandum in Support of Defendant's Renewed Motion for Summary Judgment</i> by U.S. INTERNATIONAL BOUNDARY AND WATER COMMISSION (Haynes, Fred) (Entered: 08/15/2011)
08/16/2011		MINUTE ORDER granting <a href="#"><u>18</u></a> defendant's consent motion for extension of time. Defendant shall file its opposition to plaintiff's renewed motion for summary judgment and its reply in support of its renewed motion for summary judgment by no later than August 19, 2011. Signed by Judge Emmet G. Sullivan on August 16, 2011. (lcegs6) (Entered: 08/16/2011)
08/16/2011		Set/Reset Deadlines: defendant's opposition to plaintiff's renewed motion for summary judgment and its reply in support of its renewed motion for summary judgment due by 8/19/2011. (clv, ) (Entered: 08/16/2011)
08/16/2011	<a href="#"><u>19</u></a>	First MOTION for Extension of Time to File Response/Reply to <i>Defendant's Motion for Summary Judgment</i> by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY (Attachments: # <a href="#"><u>1</u></a> Text of Proposed Order)(Dinerstein, Paula) (Entered: 08/16/2011)
08/16/2011		MINUTE ORDER granting <a href="#"><u>19</u></a> plaintiff's consent motion for extension of time. Plaintiff shall file its reply brief in support of its motion for summary judgment by no later than September 6, 2011. Signed by Judge Emmet G. Sullivan on August 16, 2011. (lcegs6) (Entered: 08/16/2011)
08/16/2011		Set/Reset Deadlines: Reply to Motion for Summary Judgment due by 9/6/2011. (clv, ) (Entered: 08/16/2011)
08/19/2011	<a href="#"><u>20</u></a>	Consent MOTION for Extension of Time to File <i>Defendant's Opposition to Plaintiff's Renewed Motion for Summary Judgment and to File A Reply Memorandum in Support of Its Renewed Motion for Summary Judgment</i> by U.S. INTERNATIONAL BOUNDARY AND WATER COMMISSION (Haynes, Fred) (Entered: 08/19/2011)
08/22/2011		MINUTE ORDER granting <a href="#"><u>20</u></a> defendant's consent motion for extension of time. Defendant shall file its opposition to plaintiff's renewed motion for summary judgment by no later than August 22, 2011. It is FURTHER ORDERED that defendant shall file its reply in support of its renewed motion for summary judgment by no later than September 9, 2011. Future motions for extension of time filed on the day a filing is due will be viewed by the Court with disfavor. Signed by Judge Emmet G. Sullivan on August 22, 2011. (lcegs6) (Entered: 08/22/2011)
08/22/2011	<a href="#"><u>21</u></a>	Memorandum in opposition to re <a href="#"><u>16</u></a> Second MOTION for Summary Judgment filed by U.S. INTERNATIONAL BOUNDARY AND WATER COMMISSION. (znmw, ) (Entered: 08/23/2011)

08/22/2011	<a href="#">2</a> <a href="#">2</a>	REPLY to opposition to motion re <a href="#">15</a> Second MOTION for Summary Judgment filed by U.S. INTERNATIONAL BOUNDARY AND WATER COMMISSION. (znmw, ) (Entered: 08/23/2011)
08/24/2011		Set/Reset Deadlines: Response to Motion for Summary Judgment due by 8/22/2011. Reply to Motion for Summary Judgment due by 9/9/2011. (clv, ) (Entered: 08/24/2011)
09/09/2011	<a href="#">2</a> <a href="#">3</a>	REPLY to opposition to motion re <a href="#">16</a> Second MOTION for Summary Judgment filed by PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY. (Dinerstein, Paula) (Entered: 09/09/2011)
09/20/2011	<a href="#">2</a> <a href="#">4</a>	NOTICE of Filing of Declarations That Were Provided to Plaintiff on September 8, 2011 by U.S. INTERNATIONAL BOUNDARY AND WATER COMMISSION (Attachments: # <a href="#">1</a> Exhibit A - Revised Declaration of Eric Meza, # <a href="#">2</a> Exhibit B - Declaration of Elena Martinez)(Haynes, Fred) (Entered: 09/20/2011)
10/11/2011	<a href="#">2</a> <a href="#">5</a>	Case reassigned by consent to Chief Judge Royce C. Lamberth. Judge Emmet G. Sullivan no longer assigned to the case. (gt, ) (Entered: 10/11/2011)
02/07/2012	<a href="#">2</a> <a href="#">6</a>	ORDER denying <a href="#">15</a> defendant's Renewed Motion for Summary Judgment; granting <a href="#">16</a> plaintiff's Renewed Motion for Summary Judgment. Signed by Chief Judge Royce C. Lamberth on February 7, 2012. (lcrc14) (Entered: 02/07/2012)
02/07/2012	<a href="#">2</a> <a href="#">7</a>	MEMORANDUM OPINION. Signed by Chief Judge Royce C. Lamberth on February 7, 2012. (lcrc14) (Entered: 02/07/2012)

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